REMARKS

No claims have been amended or cancelled, and no new claims have been added. Claims 1-58 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1, 15, 18, 31,and 45, the independent claims, under 35 USC § 103(a) as obvious in view of Kausik et al. (US Patent 7,159,014) and Marmigere et al. (US Publication 20040068579). This rejection is respectfully traversed.

A. New Non-final Office Action Request Maintained

The December 31, 2007 Office Action was defective. It considered all of the independent claims as a single group even though they include different limitations. Moreover, because the December 31, 2007 Office Action failed to make a *prima facie* case of obviousness for the reasons set forth in the response filed March 25, 2008, we respectfully request that another non-final Office Action issue addressing the arguments raised in the March 25, 2008 Response and in this Response.

B. Kausik and Marmigere Do Not Teach an Actionable Status Code

Claim 15 recites "evaluating whether the response has a status code that is actionable" and "when the status code is actionable". The December 31, 2007 Office Action failed to assert that the cited references disclosed "evaluating whether the response has a status code that is actionable" as recited in claim 15. We asserted and maintain our assertion that there is nothing in Kausik that

discloses "evaluating whether the response has a status code that is actionable" as recited in claim 15.

Now, in the FOA, for the first time, the Examiner asserts that the status code limitation is taught by Marmigere and not Kausik (FOA, p. 4, lines 6-10).

As this limitation was not addressed in the December 31, Office Action, the current FOA should be reissued as a regular Office Action.

The FOA contains a new assertion that actionable status codes are taught by Marmigere in Fig. 9 as elements 200, 301 and 304. We agree that codes and actions are shown in Fig. 9 of Marmigere. We also agree that various codes are disclosed in Marmigere in, for example, para. - 0049. However, review of para. 0049 of Marmigere shows that Marmigere discloses that there are various codes that describe objects, such as whether the objects have been modified (200), the object has not been modified (304), the object is not found (the infamous 404), and that the object has been moved (301, 302 and 307). This teaching in no way suggests "evaluating whether the response has a status code that is actionable". The teaching of the codes themselves as presented has no indication of what actionable means. In addition, as shown in FIG. 9 of Marmigere, every single code has an associated action. Marmigere teaches that all codes are actionable. As such, teaching of codes alone without distinguishing which codes are actionable and which are not does not teach or suggest what is claimed. That is, Marmigere can not teach or suggest "evaluating whether the response has a status code that is actionable" as every status code in Marmigere (as shown in FIG. 9) is actionable.

C. Kausik Does Not Teach a Native Expiration

It is asserted at p. 2 of the Office Action and the FOA that Kausik teaches "reviewing the response to determine whether the response includes a native expiration" is taught by Kausik at col. 5, lines 30-37. Now, in the FOA, the Examiner asserts that the "native expiration" is taught by Kausik at col. 5, lines 1-45. (FOA, p. 8, lines 11-14) However, this portion of Kausik includes the earlier cited portions of Kausik.

However, the portion of Kausik cited in the Office Action and FOA teaches amending a URL for each embedded object in a web document by adding a unique code to the URL. As such, this portion of Kausik fails to teach "reviewing the response to determine whether the response includes a native expiration" as recited in the independent claims.

Specifically, the cited portion of Kausik teaches reassigning "the URL of the object to include a code that is sufficiently unique to distinguish the object from prior and anticipated versions of the object". (Kausik, col. 5, lines 30-33) Examples of the code used in the reassigned URL include the last-modified date, a hash of the contents of the object or other unspecified unique identifiers. (Kausik col. 5, lines 34-37) The cited portion of Kausik fails to teach a "native expiration" and "reviewing the response to determine whether the response includes a native expiration".

The cited portion of Kausik fails to teach "reviewing the response to determine whether the response includes a native expiration" as recited in the independent claims. Moreover, the cited portion of Kausik is silent as to the claimed "native expiration".

However a native expiration is arguably disclosed by the expiry date at col. 4, lines 50 and/or the last-modified date at col. 5, lines 20-26. We reiterate our request to let us know if you concur.

D. Kausik Does Not Teach the Claimed Forwarding the Response Limitation

The Office Action asserts that the limitation "when the response includes the native expiration, forwarding the response to the requestor" is taught by Kausik at col. 1, lines 40-45 and at col. 4, lines 43-46. However, Kausik at col. 1, lines 40-45 teaches that "[i]n order to improve performance" "embedded objects that are already in the browser's cache may be reused" when an HTML document is requested. This portion of Kausik simply teaches reusing embedded objects. Further, Kausik at col. 4, lines 43-46 teaches examination of a "cache-control field" to learn if caching is prohibited. Kausik at col. 4, lines 43-46 also teaches that the browser caches objects when the cache-control field does not prohibit caching. This in no way teaches "when the response includes the native expiration, forwarding the response to the requestor" as recited in claims 4, 15, 18, 37, and 51.

We reiterate that the "native expiration" as claimed is not taught by a "cache-control field". These are two entirely different constructs. The Examiner cited portions of Kausik fail to teach that "when the response includes the native expiration, forwarding the response to the requestor". The Examiner cited portions of Kausik fail to teach evaluation of a "native expiration" and taking action as claimed. As such, the Office Action fails to show that Kausik teaches these claimed limitations. Therefore, the Office Action and the FOA fail to present a *prima facie* case of obviousness for claims 4, 15, 18, 37, and 51.

Moreover, the cited portion of Kausik in col. 1 at lines 40-45 discloses the functionality of an Internet browser receiving web pages and caching objects included in the web pages. As such, the cited teachings of Kausik in col. 1 are inapplicable to the claims. The independent claims do not recite the functionality of a user computer or personal computer running an Internet browser. This is made clear by the independent claims which recite, among other limitations, the following "receiving a response from a server" and "forwarding the amended response to a requester" and claim 18 also recites "forwarding the response to a requester. This functionality, that is, the actions claimed, make it clear that an Internet browser is not performing the actions recited. This is because an Internet browser does not "receive a response from a server" and "forward an amended response to a requester" as the Internet browser is the requester of web pages. Internet browsers do not forward web pages. As such, the cited teachings of Kausik in col. 1 are inapplicable to the claims.

However a native expiration is arguably disclosed by the expiry date at col. 4, lines 50 and/or the last-modified date at col. 5, lines 20-26. We reiterate our request that you let us know if you concur.

Nonetheless, we maintain our assertion that Kausik fails to teach "when the response includes the native expiration, forwarding the response to the requestor". If you disagree, please let us know where Kausik teaches "when the response includes the native expiration, forwarding the response to the requestor".

We assert that Marmigere fails to remedy the deficiencies of Kausik.

18/23

Thus, claims 4, 15, 18, 37, and 51, and all claims dependent thereon are patentable over the combination of Marmigere and Kausik.

E. Kausik Does Not Teach the Claimed Content Type Evaluation

The Office Action admits that Kausik fails to teach "evaluating whether a content type of the response is appropriate" and "when the content type of the response is appropriate" as recited in independent claim 18 as well as dependent claims 7, 33 and 47. The Office Action asserts that Marmigere teaches these limitations. We disagree.

The FOA asserts a new argument that this limitation is taught at para. 0057-0058 of Marmigere. However, para. 0057 of Marmigere teaches calculating a signature of an object and then checking whether the signature is the same as the one in a refresh request operation. Para. 0058 then teaches that an object list is build. All Marmigere teaches in these paragraphs is checking whether a signature of a requested object matches, and, if so, adding to an object list. There is no teaching or suggestion of "evaluating whether a content type of the response is appropriate". There is no mention of content type or other similar construct.

Further, the Office Action and FOA assert that Marmigere teaches "evaluating whether a content type of the response is appropriate" at paras. 0015-0019 and in Figs. 2-9. However, these paragraphs of Marmigere merely teach "a method for refreshing objects stored in a Proxy cache server". The disclosed method fails to include "evaluating whether a content type of the response is appropriate" as claimed. Specifically, the teachings in para. 0015-0019 of Marmigere describe storing a cache index table (para. 0015); "reading the cache index table and selecting one object for which the expiration date is exhausted" (para. 0016); "sending from the Proxy cache server to the Web content server owning the selected object, a Refresh_request command" (para. 0017); "receiving from the Web content server a Refresh_request command" having certain arguments (para. 0018); updating the index table with certain information. (para. 0019). There is no disclosure in these portions of Marmigere of evaluating the content type of the object stored in the cache as claimed. As such, the Office Action fails to present a *prima facie* case of obviousness for claim 18.

We further assert that Marmigere fails to teach these limitations. As admitted in the Office Action, Kausik fails to remedy the deficiencies of Marmigere. Thus, claim 18 is patentable over the combination of Marmigere and Kausik. For these same reasons claims 7, 33 and 47 are patentable over the cited references.

The Office Action asserts that Marmigere teaches "when the content type of the response is appropriate", "evaluating whether the response has a status code that is actionable" (Marmigere, para. 0049) (Office Action, p. 3, 2nd full para.). However, Marmigere describes various codes, the receipt of which causes various corresponding actio0ns. The Office Action does not direct us to which code in Marmigere is examined to determine whether it is actionable. Specifically, Marmigere teaches codes 200, 301, 302, 304, 307 and 404. For example, Marmigere teaches in para. 0049 that "[t]he codes 301, 302 and 307 mean that the object has been moved to another Web content server." In addition, Fig. 9 has a code/action table. This table teaches that certain actions are taken upon receipt of specified codes. But this does not teach "evaluating whether the response has a status code that is actionable" "when the content type of the response is appropriate" as claimed. The teachings of Fig. 9 and in para. 0049 are too general to have any bearing on the patentability of the claims. There is no teaching in Marmigere of "evaluating whether the response has a status code that is actionable" as recited in the context of the claims in view of the entirety of the pertinent independent claims. As such, the Office Action fails to present a *prima facie* case of obviousness for claim 15. We further assert that Marmigere fails to teach these limitations. As admitted in the Office Action, Kausik fails to remedy the deficiencies of Marmigere. Thus, claim 15 is patentable over the combination of Marmigere and Kausik.

Because the Office Action fails to show that Kausik teaches each and every one of the limitations for which it is cited, and because Marmigere fails to cure the deficiencies of Kausik, the independent claims are patentable over the combination of Kausik and Marmigere. By virtue of their dependence on the independent claims, the dependent claims are likewise patentable over Kausik. Therefore, we request that this rejection be withdrawn and that all the claims be allowed.

F. There is No Reason to Combine Kausik and Marmigere

Kausik describes a functioning system. There is no reason to add unrelated features to Kausik from Marmigere. The result would be a different system and not a desired system. The only motivation to combine Kausik with Marmigere can be from improper hindsight that takes the claims of applicant's patent application into consideration. As such, the combination of Marmigere with Kausik may not properly be cited to render the pertinent independent claims obvious.

G. Dependent Claims

The Final Office Action fails to address the arguments we provided regarding the dependent claims. There arguments are provided here again. Please address them.

1. As to claims 3, 17, 25, 36 and 50, the Office Action and FOA assert that "providing the amended response to other requestors that request the object, the providing achieved without additional communication with the server" is taught by Kausik at col. 5, lines 45-56. However, this portion of Kausik describes what happens when a user, who had received a Kausik modified web document identified by a reassigned URL, requests an embedded object included in the modified web document. This portion of Kausik describes how a user's request for a web object from a requested web document is handled when the web document that was provided was a Kausik modified web document. There is no teaching in this portion of Kausik of "providing the amended response to other requestors" as recited in the claims. As such, the Office Action fails to present a *prima facie* case of obviousness for these claims. In addition, we assert that Kausik fails to teach this limitation. Thus, claims 3, 17, 25, 36 and 50 and all claims dependent thereon are patentable over Kausik.

2. As to claims 5, 23, 38, and 52, the Office Action and FOA assert that "wherein the computed expiration is based on at least one of a response content type and a response resource identifier" is taught by Kausik at col. 3, line 58 - col. 4, line 15. However, this portion of Kausik describes that a proxy intercepts user requests for documents from a content server, receives a document from the content server, and then "requests each object that is embedded

within the document from the content server." This portion of Kausik fails to teach "wherein the computed expiration is based on at least one of a response content type and a response resource identifier". The Office Action fails to show that Kausik teaches these claimed limitations. We assert that Kausik fails to teach these limitations. Marmigere fails to cure the deficiencies of Kausik. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

3. As to claims 6, 24, 39 and 53, the Office Action and FOA fail to assert what teaching in Kausik discloses "wherein the computed expiration is based on at least one of a response content type and a response resource identifier." The Office Action and FOA fail to show that Kausik teaches these claimed limitations. The Office Action merely directs us to Figs. 2-6 and col. 5, lines 30-37 of Kausik. This portion of Kausik teaches assigning a unique identifier to URL. Kausik further teaches that the unique identifier may be a last-modified date or a strong hash of the contents of the object. That is, this portion of Kausik teaches creating a new URL by appending a unique ID that may be a last-modified date. As such, this portion of Kausik fails to disclose "wherein the computed expiration is based on at least one of a response content type and a response resource identifier." We assert that Kausik fails to teach this limitation. Marmigere fails to cure the deficiencies of Kausik. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

4. As to claims 13, 29, 43 and 57, the first Office Action states that Kausik does not teach "when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the requestor". We concur. Now, the second Office Action states that it is obvious to "have a defined maximum and defined minimum of time" in view of Kausik and Marmigere. But both Kausik and Marmigere teach the same thing, an expiry or expiration date (Kausik, col. 4, lines 50 and 61; Marmigere, para. 0019) Neither Marmigere nor Kausik teach "when the time-to-live is greater than a defined maximum, setting the time-to-live to be the defined maximum; when the time-to-live is less than a defined minimum, forwarding the response to the

requestor" as claimed. Therefore, these claims are patentable over the combination of Kausik and Marmigere.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: September 2, 2008

Mark A. Goldstein
Reg. No. 50,759

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com